

## REMARKS

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of September 15, 2009 is respectfully requested.

In the outstanding Office Action, the Examiner rejected independent claim 25 and several of the original dependent claims as being unpatentable over the Berg '377 reference (U.S. Publication 2003/0018377); and rejected independent claim 36 and several of the dependent claims as being unpatentable over the Berg '377 reference in view of the Perez reference (USP 6,984,244). In addition, the Examiner rejected all of the remaining dependent claims as being unpatentable over some combination of the Berg '377 reference, the Perez reference, the Berg '048 reference (USP 6,451,048), the Bender reference (USP 7,267,682), and the Schwartz reference (USP 5,443,496). However, independent claims 25 and 36 have now been amended as indicated above. For the reasons discussed below, it is respectfully submitted that the amended claims are clearly patentable over the prior art of record.

As an initial matter, the Applicant wishes to thank the Examiner for her time and consideration during the telephone interview of December 1, 2009. The independent claims have now been amended in view of that discussion with the Examiner.

A discussion of the features and advantages of the present invention will now be provided below with reference to various portions of the present application. However, reference to any specific drawings or sections of the specification is provided only for illustrative purposes, and is not intended to otherwise limit the scope of the claims to any particular embodiments.

As explained in the specification and discussed with the Examiner during the interview, a primary purpose of the present invention is to ensure that an endovascular prosthesis remains properly positioned within the blood vessel after implantation. As generally shown in Figures 1 and 2 and recited in amended independent claim 25, the prosthesis of the present invention comprises a lattice 12 deformable between a retracted state with a small diameter (Figure 3A) and an expanded state with a large diameter (Figures 4A and 5A). At least two external hooks 18 have *crook portions* 24 which are configured to define a clamp 16 for anchoring the prosthesis 10 to external tissue. The at least two hooks 18 are mounted to the lattice 12 so as to be movable between a spaced-apart position wherein the crook portions 24 are spaced apart such that the clamp 18 is open (see Figure 3A), and a close-together position wherein the crook portions 24 are close together such that the clamp 18 is closed (see Figure 5A). As again

illustrated in Figure 1, the lattice 12 includes crossed wires arranged to define meshes. The at least two hooks 18 are connected to the wires of the lattice 12 *at opposite sides of one of the meshes of the lattice 12* and are configured such that the *at least two hooks 18 cross each other* (see Figs. 2, 3A, 4A, and 5A). The lattice 12 and the at least two hooks 18 are configured such that the one of the meshes has a first shape when the lattice is in the retracted state so that the at least two hooks 18 of the clamp 16 are in the spaced-apart position (see Figure 3A), and such that the one of the meshes has a second shape when the lattice 12 is in the expanded state so that the at least two hooks 18 of the clamp 16 are in the close-together position (see Figure 5A; and page 6, lines 5-9 of the original specification).

As explained to the Examiner during the interview, the configuration of the prosthesis as now recited in amended independent claim 25 and explained above provides a simple structure in which the hooks 18 cross each other so as to be able to close and thereby engage tissue when the lattice deforms into the expanded state. More particularly, due to the crossing arrangement, the crook portions 24 of the hooks 18 are spaced apart when the lattice 12 is in the retracted state as shown in Figure 3A, and the crook portions 24 are close together so that the clamp 16 is closed when the lattice is in the expanded state as shown in Figure 5A. Therefore, the clamp 16 formed of the *crossed* hooks 18 can engage, or clamp onto, the external tissue of a blood vessel to securely hold the prosthesis in the proper position, as again illustrated in Figure 5A.

The Berg '377 reference teaches an apparatus for regulating the flow of matter through the body tubing. In the outstanding Office Action, the Examiner asserted that the Berg '377 reference teaches hooks that are mounted at opposite sides of one of the meshes. During the interview, the Examiner clarified her position in this regard. In particular, the Examiner asserted that the Berg '377 teaches, as shown in Figure 16, a lattice 1600 including meshes 1660. Of course, amended independent claim 25 requires that the lattice comprise *crossed wires* which are arranged to define the meshes, while the "lattice" 1600 of the Berg '377 reference does not teach a lattice with *crossed wires* arranged to define meshes. Thus, it follows that the Berg '377 reference also does not teach the arrangement of hooks mounted with respect to meshes having this structure.

The Examiner further explained that the Berg '377 reference teaches hooks 1610, 1620 at opposite sides of the "mesh" 1660, and that these hooks 1610, 1620 move between a spaced-apart position and a close-together position as the lattice moves between the retracted state and

the expanded state. Without acquiescing to the Examiner's position, the Applicant submits that amended independent claim 25 now further distinguishes the present invention from the Berg '377 reference. In addition to the lack of a lattice including *crossed* wires as noted above, the Berg '377 reference also does not teach or suggest two hooks that *cross each other* and are configured to move between a spaced-apart position (when the lattice is in the retracted state) and a close-together position (when the lattice is in the expanded state), as now required by amended independent claim 25. Thus, it is submitted that the lattice including *crossed* wires, and the configuration of the hooks which *cross each other* and have the crook portions as recited in amended independent claim 25 clearly distinguish the present invention from the Berg '377 reference.

It is further submitted that the Perez reference, the Berg '048 reference, the Bender reference, and the Schwartz reference also do not teach or even suggest a prosthesis having two external hooks which *cross each other* and have crook portions configured as now recited in amended independent claim 25. Thus, these references do not correct the deficiencies in the Berg '377 reference, and thus do not provide a reason for one of ordinary skill in the art to modify the Berg '377 reference so as to obtain the invention as now recited in amended independent claim 25. Accordingly, it is respectfully submitted that amended independent claim 25 and the claims that depend therefrom are clearly patentable over the prior art of record.

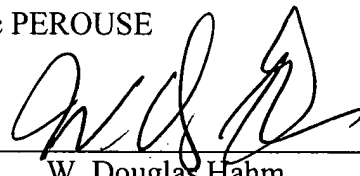
Amended independent claim 36 is directed to a kit for treating a blood vessel, which comprises a prosthesis including all of the limitations recited in amended independent claim 25. Therefore, for the reasons discussed above with respect to amended independent claim 25, it is submitted that amended independent claim 36 and the claims that depend therefrom are also clearly patentable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. However, if the Examiner should have any comments or suggestions to help speed the prosecution of this application, the Examiner is requested to contact the Applicant's undersigned representative.

Respectfully submitted,

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By

A handwritten signature in black ink, appearing to read 'W. Douglas Hahm', is written over a horizontal line.

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